

Serial: 203242

IN THE SUPREME COURT OF MISSISSIPPI

No. 2015-IA-01765-SCT

ALAN DALE WALKER

Petitioner

v.

STATE OF MISSISSIPPI

Respondent

ORDER

This matter is before the Court, *en banc*, on the Petition for Interlocutory Appeal of Circuit Court's Order Denying Expert Access to Prepare for Capital Post-Conviction Evidentiary Hearing filed by Petitioner and the Response filed by Respondent. Petitioner seeks leave to appeal that portion of the Order entered by the Harrison County Circuit Court, First Judicial District, on November 4, 2015, cause no. 25,945, which denied Dr. Robert Shaffer, a neuropsychologist, access to Petitioner.

After due consideration, the Court finds that the Petition for Interlocutory Appeal is well taken and should be granted.

The Court further finds that no further briefing is needed to render its disposition. In *Grayson v. State*, 118 So.3d 118, 147 (Miss. 2013), this Court stated:

Prisoners sentenced to death should be granted access to their experts so long as the access complies with the rules and regulations of the Mississippi Department of Corrections and so long as those rules and regulations do not violate petitioners' due-process rights.

The circuit court made no finding that providing Dr. Shaffer access to Petitioner would violate the rules and regulations of the Mississippi Department of Corrections. The Court finds that the circuit court erred in denying Dr. Shaffer access to Petitioner.

IT IS THEREFORE ORDERED that the Petition for Interlocutory Appeal of Circuit Court's Order Denying Expert Access to Prepare for Capital Post-Conviction Evidentiary Hearing filed by Petitioner is granted.

IT IS FURTHER ORDERED that the portion of the Order entered by the Harrison County Circuit Court, First Judicial District, on November 4, 2015, cause no. 25,945, which denied Dr. Robert Shaffer access to Petitioner, is reversed and rendered in favor of Petitioner. Dr. Shaffer's access to Petitioner must be accomplished in accordance with this Court's decision in *Grayson*. The notice of appeal having been deemed filed, the filing fee is due and payable to the Clerk of this Court.

IT IS FURTHER ORDERED that Harrison County is taxed with all costs of this appeal.

SO ORDERED, this the 26th day of January, 2016.

/s/ James W. Kitchens

JAMES W. KITCHENS, JUSTICE
FOR THE COURT

RANDOLPH, P.J., WOULD DENY.